

REMARKS

Claims 1-20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Patent Number 4,874,348 by Lafreniere. Lafreniere teaches a coin-counting device including a “scoop” for loading the coin-counter portion thereof. Additionally, Lafreniere teaches a method of unloading the coin-counter portion thereof by using a dedicated coin-dispenser opposite the “scoop” (loading end). The Examiner stated essentially that Lafreniere teaches people of ordinary skill in the art (of?) to make and use a “coin-wrapper” version of the Lafreniere device to “scoop” and to wrap the coins contained within the coin-counter portion of the Lafrenier device?

Claim Rejections – 35 USC § 112

The above amendments to claims 4, 5, 7, and 8 are proposed to make them more particular and definite, e.g., removing the terms “new” and “old” and removing a redundancy, and correcting dependency.

Claim Rejections – 35 USC § 103

It is not explicitly clear from the Office Communication that claims 2-20 are rejected based on Patent Number 4,874,348 by Lafreniere, but for the sake of conservation of time and paper, the following argument also supports and explains claims 2 through 20, as amended.

The claimed and exemplary embodiments of present invention do not operate as a “scoop... to assist in the collection of coins.” The reference in the description and claims to “spade-pointed” is a characteristic of the SHAPE, not a characterization of the manner of operation of the invention. The paper-thin coin-wrapper of embodiments of the invention

CANNOT REALISTICALLY BE USED AS A “SCOOP” TO “SCOOP” metal coins. A “scoop” is designed to be FORCED through a medium (e.g., through a quantity of grain, or through a bucket or pile of coins). If the paper-thin embodiments of the present invention were to be operated forcibly in the manner of a “scoop” (e.g., to “scoop” coins out of a bucket or pile of coins) it (e.g., the spade-point) would immediately collapse and the tube would become damaged and unfillable. This inherent structural and functional limitation upon the function of a PAPER (or paper-thin) tube would deter or thwart anyone against considering or attempting to use any paper-thin tube to “scoop” metal coins out of a bucket or pile of coins. The addition of a “spade-point” to a paper-thin (e.g., paper) tube would make that additional (spade-pointed) tip portion even more fragile (since it would be relatively less supported by the paper cylinder), and would render it MORE USELESS for use as a “scoop”, since the point would be so fragile as to collapse upon impact with any coin or coins. Thus, a coin-experienced person looking at a shovel or a spade or even at the coin-handling device (“scoop”) of Lafreniere et. al. would NOT have any rational motivation to form such an instrument (“scoop”, spade, shovel) out of a paper-thin material (e.g., paper), since doing so would render the instrument virtually useless as a “scoop” or as a “spade” or as a “shovel” for the loading of metal coins.

You may now be wondering, “So, how does the paper-thin spade-pointed coin-wrapper function if not as a ‘scoop’”?

The paper-thin spade-pointed coin-wrapper operates, as an “axial alignment tool”, upon a sequence of individual coins (from top to bottom of a stack of coins contained within a coin-counter) until all the coins in a stack of coins are aligned substantially coaxially with each other (within the coin-wrapper). In Figure 6, it is shown how the stack of coins below the spade-pointed coin-wrapper (before alignment) may be in a more-or-less random distribution axially

(within the coin-counter tube). It is next to impossible to forcibly insert a conventional coin-wrapper into the coin-counter because coins touching the sides of the coin-counter impede its insertion. Thus, you usually must vibrate the stack of coins continuously while inserting the conventional coin wrapper.

After full insertion of the spade-pointed coin-wrapper, the stack of coins are more nearly co-axially aligned than they were initially. This is because as the tip of the spade-point progresses down, the paper edge on either side of the spade point coax individual coins sequentially into alignment. This assumes that the paper spade-point tip does not directly impact hard into any coin (for if it impacted hard and was forced, it would collapse).

At over seventy years old and still working for a living (fetching thousands of coins from vending machines and wrapping them for submission to the bank), sometimes the inventor's hands shake a little bit when using the invention to fill coin-wrappers. A little such vibration while inserting the spade-pointed coin-wrapper really helps keep the coins a little "fluid" in the coin-counter and helps with the insertion of the wrapper, and the tip makes its way down without hard-impacting on any coin.

Any young new operator of the paper spade-pointed coin-alignment tool & coin-wrapper of the present invention would after a few moments of experience realize that it is best to tap or tip the whole setup on a side before insertion of the coin-wrapper so that the stack of coins within the coin-counter tube becomes somewhat axially pre-aligned and may all or mostly touch against the same vertical area along the inside of the coin-counter tube. Then, the paper spade-pointed tip of the coin-wrapper can be very readily inserted along any other vertical line along the inside of the coin-counter tube (where there is a gap between the stack of coins and the inside of the coin-counter tube), thus avoiding fatal tip impacts with individual coins (e.g., without any

vibration or hesitation). Without the spade-point, in order to get a conventional cylindrical coin-wrapper all the way down in one shot (e.g., without vibrating), you would need to try to get the whole stack of coins “free-standing” perfectly axially aligned standing in the center of the coin-counting tube (e.g., without touching the inside wall of the coin-counter) and keep the paper coin-wrapper perfectly cylindrical while you insert it down. This feat next-to impossible to do. You would need a separate alignment tool to accomplish this. The spade-shaped paper tip of the invention makes it really easy to insert the wrapper (and to progressively align the stacked coins), while avoiding hard-impacts of the tip of the wrapper with coins stacked in the tube.

The inventor can't afford to come down to DC right now to demonstrate the invention, and wishes to send you a CD-ROM, or an email containing a short (2-minute) Quick-Time (.MOV) digital movie clip showing how much easier it is to get a spade-pointed coin-wrapper to be inserted, and how much a stack of coins fights the insertion of a conventional coin-wrapper without the spade-point. Can you arrange to receive a little movie clip? It could be put on VCR instead.

As the paper spade-pointed coin-alignment tool & coin-wrapper of the present invention progresses down into the tube, the paper edges on either side of the spade-point continuously nudge each of a series of coins into closer axial alignment (within the coins already within the coin-wrapper), until all the coins have been more axially aligned and are contained within the coin-wrapper. Whereupon, the paper tip of the spade point may be intentionally collapsed or folded down in order to conformally wrap the axially aligned stack of coins contained within the wrapper. Just try “wrapping” a stack of coins with the “metal” or “plastic” scoop of Patent Number 4,874,348 by Lafreniere.

Although Patent Number 4,874,348 by Lafreniere does show a “tubular” section for enclosing and holding a stack of coins and perhaps a “scoop” that may be fairly characterized as a “spade-pointed” coin-receiver (cf. Claim 1) for loading the same, the Lafreniere apparatus cannot perform the “wrapping” nor the “insertion” functions of any embodiments of the claimed “coin-wrapper” invention; nor does the Lafreniere apparatus purport to solve the problems (e.g., overcoming resistance to insertion between a coin holder body and a stack of coins therein, and then substantially conforming to the stack’s shape) that the invention solves. Also, the Lafreniere apparatus cannot be used as a coin “wrapper” nor does it constitute a coin “wrapper” because it is necessarily a rigid solid non-flexible thing that cannot be “wrapped” (e.g., substantially conformed) to contain a nominally cylindrical stack of coins. Also, if someone were to manufacture the Lafreniere apparatus out of a material or materials pliant or flexible enough to be manually “wrapped” (e.g., substantially conformed) around a nominally cylindrical stack of coins, the Lafreniere apparatus could not still function in the manner that the Lafreniere apparatus was described and intended to function, and would not solve the problems that the Lafreniere apparatus was described and intended to solve. The Lafreniere patent explicitly teaches the practical necessity of a fairly ridged and inflexible thickness of stiff material for the manufacture of the Lafreniere apparatus in these words:

“It is designed to be manufactured from plastic although *of course metal may be used...*” Column 2; Lines 47-48

It is certainly not “obvious” from the Lafreniere Patent to use a metal “foil”, nor paper, nor even any “paper-thin” material to manufacture of the Lafreniere apparatus. By contrast, coin “wrappers” are universally made of paper or other paper-thin material that is pliant or

flexible enough to be manually “wrapped” (e.g., substantially conformed) around a nominally cylindrical stack of coins. Thus, it cannot be obvious from the Lafreniere patent to manufacture a coin “wrapper” having the spade-pointed shape of the “scoop” of the Lafreniere apparatus. Nor would it be “obvious” from the Lafreniere patent that a “spade-pointed” cylindrical coin receptacle made of paper or having a “paper-thin” scoop and cylindrical wall would have ANY USEFULNESS or any practical utility. Anyone considering to manufacture the Lafreniere apparatus or its spade-pointed “scoop” out of paper or any “paper-thin” thickness of material would immediately realize, or presume, that the product of that manufacture would be USELESS, since it could not possibly well perform the intended functions of the Lafreniere apparatus, nor would any advantage of such a spade-pointed “scoop” in a coin-wrapper be obvious. A spade-pointed “scoop” made of paper or a flexible coin-wrapper would FAIL to perform the normal and obvious functions of a “scoop” because of the relative fragility of paper or of a paper-thin material when impinged upon metal coins.

Moreover, the Lafreniere patent does NOT teach the USE nor the usefulness of a spade-pointed (paper-thin) cylindrical coin holder to facilitate insertion between a stack of coins and a coin counter. The solution that was discovered to overcome the problem of resistance to the insertion of conventional coin-wrappers into the thin and irregular gap (between a stack of coins and a coin holder (coin counter)) was not “obvious” to anyone, or such a simply achieved improvement (e.g., shaping the paper tube with one cut of a pair of scissors) would have become widely used more than 60 years ago when the paper coin-wrapper and the coin-counter were both already well-known.

It is only the present application’s disclosure that teaches the USE and usefulness and advantages of using a spade-pointed (paper thin cylinder shaped) coin “wrapper” to improve

insertion of the cylindrical coin wrapper into the irregular gap between a stack of coins and a coin holder (coin counter). Thus, there would be no motivation, until the publication of the disclosure, for anyone skilled in the art to transform the “spade-pointed” body disclosed in the Lafreniere patent for use as a paper-thin coin “wrapper”.

Conversely, there would be no known motivation, until the publication of the disclosure, for anyone skilled in the art to transform a paper-thin coin “wrapper” into the “spade-pointed” body disclosed in the Lafreniere patent. Thus, it would be not be obvious, to one skilled in the art at the time of the invention (e.g., before its disclosure) to incorporate the spade-pointed (in your words, “angled scoop configuration”) of the Lafreniere coin holder into a paper-thin (i.e., flexible) coin “wrapper.”

Similarly, no one intending to use Lafreniere apparatus for the purposes described in the Lafreniere apparatus would have any motivation to manufacture the cylindrical walls of the Lafreniere apparatus to the inherently “paper-thin” thickness dimension of a coin “wrapper.” Thus, no one viewing the Lafreniere apparatus would think to make its cylindrical walls and “scoop” so “paper-thin” as to be used as a “coin wrapper.”

Also, a “coin wrapper” is nominally a “disposable” item, or an item that is normally discarded or recycled as a raw material (e.g., paper) after a single use. But, the Lafreniere apparatus is clearly not intended to be disposed of after a single use, and its “scoop” is therefore made to function more like reusable “scoop” than as relatively fragile paper insertion apparatus as in the invention. The flare in the scoop in the second figure (FIG. 2) in the Lafreniere patent makes it clear that the “scoop” in that device is not intended for insertion between a stack of coins inside of a coin counter, but is rather operated more like a filling “funnel”. In fact, the flare in the scoop in the second figure (FIG. 2) in the Lafreniere patent and the coin-counter in the

cylindrical portion of the Lafreniere apparatus strongly resembles the funnel on the conventional coin-counter that the present invention is intended to be inserted into. The Lafreniere patent certainly does not teach anyone to insert one specimen of the Lafreniere apparatus into a second specimen of the Lafreniere apparatus. If anything, the Lafreniere patent teaches away from providing a second Lafreniere apparatus to unload the first Lafreniere apparatus. The Lafreniere apparatus provides a dedicated “dispenser” end for the express purpose of un-loading the Lafreniere apparatus. Thus, it would not be obvious to modify the Lafreniere apparatus to produce a paper-thin spade-pointed coin-wrapper to unload the funnel-loaded coin-counter within the Lafreniere apparatus.

Thus, no one would have any motivation to implement the shape of the Lafreniere apparatus with a material or materials pliant or flexible enough to be manually “wrapped” (e.g., substantially conformally) around a nominally cylindrical stack of coins. Thus, no one would have any motivation to implement the shape of the Lafreniere apparatus as a “coin wrapper”, and it may be fairly stated that the disclosure of the Lafreniere Patent teaches away from anyone to implement the shape of the Lafreniere apparatus as a “coin wrapper.”

Thus, upon attributing a fair and definite significance to the word “wrapper”, a “coin wrapper” *per se* as claimed in independent claims 1, 10 and 20 of the application is NOT disclosed nor even suggested in nor obvious from the Lafreniere Patent. In fact, the Lafreniere Patent expressly teaches away from employing a spade-pointed coin-wrapper to unload a funnel-loaded coin counter (See FIG. 2 of Lafreniere Patent).

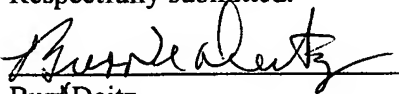
Thus, a “spade-pointed coin wrapper” is not disclosed in, nor obvious solely in view of the Lafreniere Patent without the benefit of “hindsight” from the disclosure of the present invention. However, the inventor is willing to amend claims 1, 10 and 20 to clarify and more

Patent Application 10/791,614

explicitly recite the fair and definite significance that was already attributed by the inventor to the word "wrapper" in claims one and ten. The proposed amendment does not materially narrow independent claims 1 or 10, but rather clarifies and makes explicit the inherent features of a coin "wrapper" as was already claimed in the original claims 1 and 10. Thus, the above arguments, and the above listed amendments to claims 1 and 10 are submitted to overcome the Examiner's rejections based on the Lafreniere Patent.

Dated March 17, 2006

Respectfully submitted.



Burr Deitz
(518) 489-0167
444 Whitehall Rd.
Albany, NY 12208